

IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
-
WRIT PETITION No.24247 of 1996

Between:

1.K.Nagireddy and another.

..... PETITIONERS

AND

1.The Mandal Revenue Officer,
B.K.Samudram Mandal,
Ananthapur District, and 4 others.

.....RESPONDENTS

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The Hon'ble Sri Justice Nooty Ramamohana Rao

-
Writ Petition No.24247 of 1996

Order:

This Writ Petition has been preferred calling in
question the correctness of the order dated 04-09-

1996, passed by the fourth respondent-Special Commissioner of Land Revenue, Andhra Pradesh, Hyderabad.

The writ petitioners have questioned the grant of patta over a piece of land admeasuring 16.25 square meters situated in Survey No.40 of Neelampally Village, Hamlet of Janthalur of Ananthapur District.

The fourth respondent-Special Commissioner has traced the entire history and he had come to the conclusion that the small piece of land, which is lying vacant, was not put to any use for the past few decades, and that it would be more appropriate, if the same is assigned on payment of its market value in favour of the fifth respondent. The reasons that weighed with the fourth respondent-Special Commissioner to arrive at such a conclusion are essentially,

1. that the land in question is abutting the residential house of the fifth respondent and he has also been using this adjoining land for his own convenient living; and
2. When applications have been invited, apart from the fifth respondent, the writ petitioners have also applied for grant of patta over the very same land.

The writ petitioners have initially set up the plea that the land in question was purchased by them. It is quite surprising to note that the writ petitioners, having taken the plea that the land in question was purchased by them, have also sought for assignment of the very same land. Therefore, the fourth respondent-Special Commissioner had no difficulty in discerning the frivolous plea set up by the writ petitioners. In the matter of assessment of merits between the rival claims of the writ petitioners and the fifth respondent, the fourth respondent-Special Commissioner based his findings on relevant factors, and consequently, had come to the conclusion that the land in question deserves to be assigned in favour of the fifth respondent rather than in favour of the writ petitioners. The fourth respondent-Special Commissioner had also taken care to note that both the writ petitioners as well as the fifth respondent are not eligible for grant of assignment, and therefore, he ordered that the land be assigned to the fifth respondent on payment of its market value. The reasons assigned by the fourth respondent-Special Commissioner for arriving at the conclusion to which he did cannot be characterized or described either as perverse or arbitrary, warranting interference in this Writ Petition.

The Writ Petition does not deserve further consideration as it lacks merit, and it is, accordingly, dismissed, but however, without costs.

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(Nooty Ramamohana Rao, J)

16th November, 2006
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